

The Attorney for the Applicant's spoke to both Examiner Sabiha Qazi and the Examiner's supervisor Thurman Page on this matter on May 10, 2004. Two points were respectfully submitted and argued over the phone. First, the Office action was very hard to comprehend, if not impossible to answer, due to the fact the Office Action cited an MPEP section that did not exist. Second, if one were to assume that the Examiner wished for the Applicants to choose a single composition from all the components, this type of election is inappropriate. For the subject matter of a lotion composition, it is common practice to recite lotion compositions as being semisolid under a specified temperature and in terms of parameters, such as, viscosity and shear stress. Moreover, because this is a very common practice to draft a claim in this way, it does not burden the Examiner in searching the art. Thus, the Examiner could file a substantive Office Action on the merits of this case without further election of lotion components. Both the Examiner and her supervisor agreed that the Examiner would file a substantive Office Action on the merits, rendering this action moot. However, as of the date on this response, the Applicants have not received such an action.

CONCLUSION

Therefore, Applicants request reconsideration of the claims in the present application and await a substantive Office Action on the merits on the above case.

Respectfully submitted,

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